

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.33382 of 2024

Arising Out of PS. Case No.-202 Year-2022 Thana- GWALPARA District- Madhepura

Dhruv Kumar Mandal @ Dhruv Mandal @ Uday Kumar son of Rajendra
Mandal Resident of Village- Sinduwari, P.S.- Gwalpara, Dist.- Madhepura.

... .. Petitioner/s

Versus

The State of Bihar.

... .. Opposite Party/s

Appearance :

For the Petitioner/s	:	Mr. SRP Baxi Sinha, Sr. Advocate Mr. Rupesh Kumar, Advocate Mr. Laxmi Kumar, Advocate
For the Opposite Party/s	:	Mr. Aditya Narayan Singh. I, APP

CORAM: HONOURABLE MR. JUSTICE CHANDRA SHEKHAR JHA
ORAL ORDER

- 3 19-07-2024 1. Heard learned senior counsel appearing on behalf of the petitioner and learned APP appearing on behalf of the State.
2. The petitioner seeks bail in connection with Gwalpara P.S. Case No. 202 of 2022 registered for the offence under Section 302/34 of the Indian Penal Code and Section 27 of the Arms Act.
3. The accused/petitioner is not named in the F.I.R. and is in custody since 11.05.2023.
4. The allegation against the petitioner is to commit murder of son of the informant alongwith other



co-accused persons by causing firearm injury, after calling him outside from his house.

5. Learned senior counsel appearing on behalf of the petitioner submitted that the name of petitioner surfaced during the course of investigation, out of suspicion arising from confessional statement of co-accused, namely, Abaren Kumar, in furtherance of which, no incriminating material appears to be recovered/surfaced during the course of investigation, which may connect petitioner *prima facie* with present occurrence of murder. It is submitted that deceased was himself a man of criminal antecedent and was operating a criminal gang involved in loot and robbery. It is submitted that as petitioner found involved in 21 more criminal cases, where in maximum of cases, his name surfaced due to confessional statement of the co-accused as of the present case, having no evidentiary value, wherein he is on bail in 17 cases. It is also submitted that the alleged call which was made to



deceased by this petitioner on last occasion is not appearing corroborated with scientific evidence/Call Details Record collected during the course of investigation and mere on the basis of this much evidence, the petitioner cannot be said to be involved with present occurrence. It is also submitted by learned senior counsel that the reasons of suspicion is also the criminal antecedents, as submitted above. While concluding the argument, it has been submitted that petitioner is a man of clean antecedent and moreover, investigation of this case has been completed, for which, charge-sheet has been submitted, as such, there is no chance of tampering with the evidence.

6. Learned APP opposes the prayer of bail.

7. Considering the facts and circumstances as mentioned above as save and except suspicion arising out of confessional statement, nothing incriminating appears during course of investigation as to connect petitioner *prima facie* with present occurrence of murder



against this petitioner coupled with the fact that charge-sheet has already submitted, where petitioner is in custody since 11.05.2023, accordingly, above named petitioner is directed to be released on bail in connection with Gwalpara P.S. Case No. 202 of 2022 on furnishing bail bond of Rs.10,000/- (Rupees Ten Thousand only) with two sureties of the like amount each to the satisfaction of learned J.M. 1st Class, Udakishunganj, District- Madhepura/concerned court, subject to the conditions as mentioned under Section 437 (3) of the Cr.P.C.

(Chandra Shekhar Jha, J)

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